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Nevada Bar No. 11615

## KRISTIE L. FISCHER

Nevada Bar No. 11693

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Atorneys for Plaintiff

## ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT**

## **DISTRICT OF NEVADA**

EMILY SCHULTZ and DANIEL SCHULTZ,  
Parents and Natural Guardians of E. S., a minor,

CASE NO. : 2:22-CV-00523-GMN-DJA

Plaintiff,

**STIPULATION AND ORDER TO  
REMAND TO STATE COURT**

V.

LM GENERAL INSURANCE COMPANY  
aka LIBERTY MUTUAL INSURANCE  
COMPANY, a foreign corporation; and DOES  
I through X; and ROE CORPORATIONS I  
through X, inclusive,

## Defendants.

Plaintiffs EMILY SCHULTZ and DANIEL SCHULTZ, as parents and natural guardians of E.S., a minor (“Plaintiffs”), and Defendant LM GENERAL INSURANCE COMPANY aka LIBERTY MUTUAL INSURANCE COMPANY (“Defendant”), by and through their respective counsel of record hereby agree and stipulate to remand this action to the Eighth Judicial District Court, Clark County, Nevada. Good cause exists for this stipulation as follows:

1. On December 17, 2021, Plaintiffs filed their Complaint against Defendant in the Eighth Judicial District Court, Clark County, Nevada, Case Number A-21-845605-C (the “State Court Action”).

• • •

1       2. On March 24, 2022, Defendant filed a Notice of Removal with this Court and the  
2       Eighth Judicial District Court to remove the State Court Action to this Court on the basis of  
3       diversity jurisdiction.

4       3. Following removal, Plaintiffs and Defendant agreed to attempt to resolve the claims  
5       at issue here via mediation and accordingly filed a Joint Motion to Stay (ECF No. 10), which was  
6       granted.

7       4. As a result of mediation and settlement negotiations that followed mediation,  
8       Plaintiffs and Defendant have reached a proposed settlement that includes a structured settlement  
9       for a minor child.

10      5. As is the case with structured settlements, there are specific timing deadlines for  
11       depositing of funds that must be met in order to assess interest issues for payouts.

12      6. Since this settlement necessarily requires a Petition to Compromise Claim of  
13       Minor, and due to the expedited deadlines for structured settlement compliance, the parties have  
14       agreed to submit remand this case back to state court for the purposes of completing the settlement  
15       processes.

16      7. Specifically, once the stipulation and order is entered and the case is formally  
17       remanded, the parties will file a Petition to Compromise Claim of Minor on an Order Shortening  
18       Time in order to ensure that matter can be heard and decided within the deadlines for depositing  
19       of funds under the current structured settlement timeline.

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1       8. The parties represent that they have investigated the issues surrounding the final  
2 settlement requirements and agree that the remand to state court is the appropriate course of  
3 action.

4       Plaintiffs and Defendant respectfully request that the Court so Order.

5       Dated: December 29, 2022

6       Dated: December 29, 2022

7       JEREZ LAW, PLLC

8       CLYDE & CO US LLP

9       /s/ Isaiah A. Jerez

10      Isaiah A. Jerez, Esq. (NV Bar No. 11615)  
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16      *Attorneys for Plaintiffs*

17       /s/ Dylan P. Todd

18      Amy M. Samberg (NV Bar No. 10212)  
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20      Dylan P. Todd (NV Bar No. 10456)  
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25      Facsimile: (725) 248-2907  
26      *Attorneys for LM General Insurance Company,  
27      erroneously named as LM General Insurance  
28      Company aka Liberty Mutual Insurance Company*

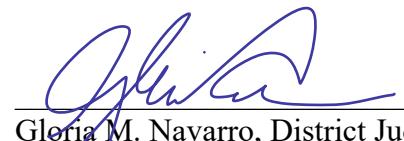
16       **ORDER**

17       **IT IS SO ORDERED.**

18       **IT IS FURTHER ORDERED** that the case is **REMANDED** to state court.

19       **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

20      Dated this 29 day of December, 2022.



21      Gloria M. Navarro, District Judge  
22      UNITED STATES DISTRICT COURT

23       **CERTIFICATE OF SERVICE**

24      The undersigned hereby certifies that on the 29th day of December, 2022, a copy of the  
25      above and foregoing s was served by submission to the above-entitled Court for electronic service  
26      under the Court's Registered Service List for the above-referenced case.

27       /s/Kristie L. Fischer

28      Employee of JEREZ LAW, PLLC  
29      Page 3 of 3

**From:** Todd, Dylan  
**To:** [Isaiah Jerez](#)  
**Cc:** Kristie Fischer  
**Subject:** RE: Schultz v. LM - SAO to Remand for Purposes of Compromising  
**Date:** Tuesday, December 27, 2022 12:59:41 PM

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I'll send it off now.

**Dylan Todd**  
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**From:** Isaiah Jerez <[Isaiah@JerezLaw.com](mailto:Isaiah@JerezLaw.com)>  
**Sent:** Tuesday, December 27, 2022 10:41 AM  
**To:** Todd, Dylan <[Dylan.Todd@clydeco.us](mailto:Dylan.Todd@clydeco.us)>  
**Cc:** Kristie Fischer <[kristie@JerezLaw.com](mailto:kristie@JerezLaw.com)>  
**Subject:** Re: Schultz v. LM - SAO to Remand for Purposes of Compromising

Looks good. Let me know when you get client approval.

*Isaiah A. Jerez*  
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F (725) 888-4717

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**From:** Todd, Dylan <[Dylan.Todd@clydeco.us](mailto:Dylan.Todd@clydeco.us)>  
**Date:** Tuesday, December 27, 2022 at 10:39 AM  
**To:** Isaiah Jerez <[Isaiah@JerezLaw.com](mailto:Isaiah@JerezLaw.com)>  
**Cc:** Kristie Fischer <[kristie@JerezLaw.com](mailto:kristie@JerezLaw.com)>  
**Subject:** RE: Schultz v. LM - SAO to Remand for Purposes of Compromising

let me know what you think.

**Dylan Todd**  
Senior Counsel | Clyde & Co US LLP  
Direct Dial: +1 725 248 2883 | Mobile: +1 702 427 6931



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**From:** Isaiah Jerez <[Isaiah@JerezLaw.com](mailto:Isaiah@JerezLaw.com)>  
**Sent:** Tuesday, December 27, 2022 10:25 AM  
**To:** Todd, Dylan <[Dylan.Todd@clydeco.us](mailto:Dylan.Todd@clydeco.us)>  
**Cc:** Kristie Fischer <[kristie@JerezLaw.com](mailto:kristie@JerezLaw.com)>  
**Subject:** Schultz v. LM - SAO to Remand for Purposes of Compromising

Morning Dylan,

Hope you had a great Christmas with the family.

Attached is the proposed SAO to remand. Please let me know if I have authority to affix your e-signature, or if you have any changes.

Thanks,

*Isaiah A. Jerez*  
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F (725) 888-4717

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**From:** Todd, Dylan  
**To:** Isaiah Jerez  
**Cc:** Brouse, Gina; Kristie Fischer  
**Subject:** 22.12.27 Stipulation and Order to Remand  
**Date:** Thursday, December 29, 2022 11:27:38 AM  
**Attachments:** 22.12.27 Stipulation and Order to Remand.docx

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Received the approval this morning for the revised stip. I also realized that today is the deadline to update the court on the settlement so this should likely get filed today.

Thanks

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